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10/598,110	08/17/2006	Megumi Itoh	70404.111/ha	1135
54/072 7590 05/26/2009 SHARP KABUSHIKI KAISHA C/O KEATING & BENNETT, LLP 1800 Alexander Bell Drive SUITE 200 Reston, VA 20191				
EXAMINER				
SPAR, ILANA L				
ART UNIT		PAPER NUMBER		
2629				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/598,110

Applicant(s)

ITOH ET AL.

Examiner

ILANA SPAR

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 8/17/2006

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 41 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer program is claimed, but it is not tied to a computer readable medium executable on a computer, and therefore does not fall into one of the four categories of statutory subject matter. It is suggested that claims 41 and 42 be combined to obviate this rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 22, 23, 28, 36-39, 41, and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Imura (Japanese Published Patent Application 2000-238552).

With reference to claim 22, Imura teaches an instrument panel image display device, installed on an apparatus so as to display an instrument panel image, said instrument panel image display device comprising:

a display (10) arranged to display the instrument panel image including a gauge image, by which internal and external information of the apparatus is provided to a user,

in accordance with image data which generates the gauge image (see paragraph 18, lines 2-5); and

an image data changing section (16) arranged to change said image data, which generates the gauge image, into image data, which generates another gauge image (see paragraph 18, lines 2-5).

With reference to claim 23, Imura teaches all that is required with reference to claim 22, and further teaches a parameter changing section arranged to change a value indicated by a parameter which defines a display state of the gauge image into another value (see paragraph 18, lines 6-8 and paragraph 20, lines 5-9).

With reference to claim 28, Imura teaches all that is required with reference to claim 22, and further teaches an image data obtaining section (14) arranged to obtain image data, which generates said another gauge image, via a network line (25), from a server (12) having a storage section which stores the image data (see paragraph 18, lines 2-5 and paragraph 19, lines 1-5 and 13-16).

With reference to claim 36, Imura teaches the instrument panel image display device as set forth in claim 28, and further teaches a server (12), providing the image data that generates said another gauge image to the instrument panel image display device (see paragraph 19, lines 1-5).

With reference to claim 37, Imura teaches all that is required with reference to claim 28, and further teaches a server (12) for providing the image data that generates said another gauge image to the instrument panel image display device (see paragraph 19, lines 1-5).

With reference to claim 38, Imura teaches the instrument panel image display device as set forth in claim 22, and further teaches that it is contained within a vehicle (see paragraph 17, lines 2-3).

With reference to claim 39, Imura teaches a method of changing an instrument panel image displayed in an instrument panel image display device installed on an apparatus, said method comprising the steps of:

displaying the instrument panel image including a gauge image, by which internal and external information of the apparatus is provided to a user, in accordance with image data which generates the gauge image (see paragraph 18, lines 2-5); and

changing the image data, which generates said gauge image, into image data that generates another gauge image (see paragraph 18, lines 2-5).

With reference to claim 41, Imura teaches an instrument panel image display program, causing the instrument panel image display device as set forth in claim 22 to operate, said instrument panel image display program being characterized by causing a computer to perform the following steps:

displaying the instrument panel image including a gauge image, by which internal and external information of the apparatus is provided to a user, in accordance with image data which generates said gauge image (see paragraph 18, lines 2-5); and

changing the image data, which generates said gauge image, into image data, which generates another gauge image (see paragraph 18, lines 2-5).

With reference to claim 42, Imura teaches the instrument panel image display program as set forth in claim 41, and further teaches a computer readable storage

medium (12) which contains the instrument panel image display program (see paragraph 19, lines 1-5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imura in view of Hirasuna (Japanese Published Patent Application 11-099852).

With reference to claim 24, Imura teaches all that is required with reference to claim 23, but fails to teach a parameter judging section.

Hirasuna teaches a parameter judging section (103) arranged to judge whether the value indicated by the parameter is within a predetermined range or not (see paragraph 6, lines 10-17 and paragraph 8, lines 6-13).

It would have been obvious to one of ordinary skill in the art at the time of invention to use a parameter judging section in a changing display such that a change

in the data to be displayed can be recognized and the display can be changed while still being optimized, as taught by Hirasuna.

With reference to claim 25, Imura and Hirasuna teach all that is required with reference to claim 24, and Hirasuna further teaches that, when the parameter judging section judges that the value indicated by the parameter is not within the predetermined range, the parameter changing section (104) changes the value indicated by the parameter into a value within the predetermined range (see paragraph 6, lines 10-17 and paragraph 8, lines 6-13).

With reference to claim 26, Imura and Hirasuna teach all that is required with reference to claim 25, and Hirasuna further teaches that the parameter changing section changes the value indicated by the parameter into a value closest to a set value within the predetermined range (see paragraph 8, lines 10-17).

7. Claims 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imura in view of Iwashita (Japanese Published Patent Application 2004-042684).

With reference to claim 27, Imura teaches all that is required with reference to claim 23, but fails to teach that the parameter defines a size and color of the gauge.

Iwashita teaches that the parameter defines at least a size and a color of the gauge image (see paragraph 22, lines 8-11).

It would have been obvious to one of ordinary skill in the art at the time of invention that image data controls the appearance of the image that will appear on the display, and that the size (resolution) and color of the image are two important pieces of

information which the image data must carry in order for the image to be correctly displayed.

With reference to claim 29, Imura teaches all that is required with reference to claim 23, and further teaches that the apparatus is a vehicle, and the instrument panel image includes at least a speedometer image indicative of a running speed of the vehicle as the gauge image (see paragraph 17, lines 2-3 and paragraph 18, lines 6-8).

Imura fails to teach that the parameter controls the position of the display.

Iwashita teaches that the parameter changing section changes the parameter so that the speedometer image is displayed in front of a driver or in a predetermined position in a visual field of the driver (see paragraph 18, lines 50-55).

It would have been obvious to one of ordinary skill in the art at the time of invention to place the speedometer in the line of sight of the driver such that the driver is able to monitor the speed of the vehicle without looking away from the road and risking being in an accident.

8. Claims 30, 31, 35, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imura in view of Kolpasky et al. (US Patent No. 7,474,309).

With reference to claim 30, Imura teaches an instrument panel image display device, installed on an apparatus so as to display an instrument panel image, said instrument panel image display device comprising:

a display (10) arranged to display the instrument panel image including a gauge image, by which internal and external information is provided to a user, in accordance with image data that generates said gauge image (see paragraph 18, lines 2-5); and

an image data changing section (16) arranged to change said image data, which generates the gauge image, into image data, which generates another gauge image (see paragraph 18, lines 2-5).

Imura fails to teach that the display also displays background image data.

Kolpasky et al. teaches that a vehicle image display device has both image data (58) and background data (74) which are displayed at the same time on different parts of the display (see column 4, lines 41-42 and 52-57).

It would have been obvious to one of ordinary skill in the art at the time of invention that if image data is able to be processed and displayed in the manner taught by Imura, and that multiple types of data are able to be displayed at once, as taught by Kolpasky et al., that the multiple types of data would each be able to be displayed and changed to provide both an image and a background on the display.

With reference to claim 31, Imura and Kolpasky et al. teach all that is required with reference to claim 30, and further teaches a parameter changing section arranged to change a value indicated by a parameter that defines a display state of the background image into another value (see Imura, paragraph 18, lines 6-8 and paragraph 20, lines 5-9).

With reference to claim 35, Imura and Kolpasky et al. teach all that is required with reference to claim 31, and Kolpasky et al. further teaches that the parameter changing section changes a parameter of at least either the gauge image or the background image so that a periphery of the gauge image is bordered (see Figure 2, item 74).

With reference to claim 40, Imura teaches a method of changing an instrument panel image displayed in an instrument panel image display device installed on an apparatus, said method comprising the steps of:

displaying the instrument panel image including a gauge image, by which internal and external information of the apparatus is provided to a user, in accordance with image data that generates the gauge image (see paragraph 18, lines 2-5); and

changing the image data, which generates said gauge image, into image data, which generates another gauge image (see paragraph 18, lines 2-5).

Imura fails to teach that the display also displays background image data.

Kolpasky et al. teaches that a vehicle image display device has both image data (58) and background data (74) which are displayed at the same time on different parts of the display (see column 4, lines 41-42 and 52-57).

It would have been obvious to one of ordinary skill in the art at the time of invention that if image data is able to be processed and displayed in the manner taught by Imura, and that multiple types of data are able to be displayed at once, as taught by Kolpasky et al., that the multiple types of data would each be able to be displayed and changed to provide both an image and a background on the display.

9. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imura in view of Kolpasky et al. as applied to claim 31 above, and further in view of Hirasuna.

With reference to claim 32, Imura and Kolpasky et al. teach all that is required with reference to claim 31, but fail to teach a parameter judging section.

Hirasuna teaches a parameter judging section arranged to judge whether the value indicated by the parameter is within a predetermined range or not (see paragraph 6, lines 10-17 and paragraph 8, lines 6-13).

It would have been obvious to one of ordinary skill in the art at the time of invention to use a parameter judging section in a changing display such that a change in the data to be displayed can be recognized and the display can be changed while still being optimized, as taught by Hirasuna.

With reference to claim 33, Imura, Kolpasky et al., and Hirasuna teach all that is required with reference to claim 32, and Hirasuna further teaches that, when the parameter judging section judges that the value indicated by the parameter is not within the predetermined range, the parameter changing section changes the value indicated by the parameter into a value within the predetermined range (see paragraph 6, lines 10-17 and paragraph 8, lines 6-13).

10. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imura and Kolpasky et al. as applied to claim 31 above, and further in view of Iwashita.

Imura and Kolpasky et al. teach all that is required with reference to claim 32, but fail to teach that the parameter defines at least one of a color or luminance of the background image.

Iwashita teaches that the parameter defines at least one of a color or a luminance of the image (see paragraph 22, lines 8-11).

It would have been obvious to one of ordinary skill in the art at the time of invention that image data controls the appearance of the image that will appear on the

display, and that the color and brightness of the image are two important pieces of information which the image data must carry in order for the image to be correctly displayed, and it would have further been obvious that such characteristics are necessary to be provided for all data, including background data, for the image to be correctly displayed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ILANA SPAR whose telephone number is (571)270-7537. The examiner can normally be reached on Monday-Thursday 8:00-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571)272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bipin Shalwala/

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Supervisory Patent Examiner, Art Unit 2629

ILS